

Message Text

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13-11
ACTION L-03

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC IMMEDIATE 0943

INFO USMISSION GENEVA IMMEDIATE

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USMISSION EC BRUSSELS IMMEDIATE

USMISSION OECD PARIS IMMEDIATE

AMEMBASSY ROME IMMEDIATE

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AMEMBASSY BONN IMMEDIATE

AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A

TAGS: ECOSOC, UN, EINV, PFOR, PGOV, JA

SUBJECT: ECOSOC: U.S. PROPOSAL ON ILLICIT PAYMENTS

REF: A) STATE 177215 B) GENEVA 5759 C) TOKYO 10776

1. SUMMARY: WE ATTEMPTED PERSUADE DIR GEN OF UN BUREAU THAT JAPAN SHOULD CO-SPONSOR U.S. RESOLUTION BUT RAN UP AGAINST FAMILIAR JAPANESE RELUCTANCE TO SEEM TO BE IN THE LEAD IF OTHER MAJOR DEVELOPED COUNTRIES ARE HOLDING BACK. WE DOUBT JAPANESE WILL AGREE TO CO-SPONSOR BEFORE FRG, UK AND FRANCE DO SO. END SUMMARY.

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2. PURSUANT TO REF A, ECONOMIC MINISTER AND COMMERCIAL

COUNSELOR SAW DIRECTOR GENERAL YOSHIO OKAWA OF UNITED NATIONS BUREAU AND TOSHIKI TANABE, DEPUTY DIRECTOR ECONOMIC AFFAIRS DIVISION WITHIN UN BUREAU, FONOFF, JULY 20. WE DREW HEAVILY ON REFS A AND B IN ATTEMPT TO ANSWER QUESTIONS AND ALLAY CONCERNS VOICED BY OKAWA AND TANABE.

3. OKAWA MADE IT CLEAR THAT GOJ WAS NOT SAYING IT WOULD NOT SUPPORT PROPOSED U.S. RESOLUTION, BUT SIMPLY THAT GOJ WAS NOT READY TO CO-SPONSOR IT. GOJ WOULD GIVE U.S. PROPOSAL THE MOST FAVORABLE POSSIBLE CONSIDERATION, BUT BELIEVE THE GERMANS, WITH THEIR AMENDMENT, ALSO HAVE A POINT.

4. ECONOMIC MINISTER POINTED OUT THAT ADOPTION OF GERMAN AMENDMENTS, SIMPLY CALLING FOR STUDY, COULD DELAY ACTION, REPEAT ACTION, INDEFINITELY.

5. OKAWA OBSERVED THAT NORMALLY THE U.S. IS RATHER CAREFUL IN NOT RUSHING INTO THINGS AND ASKED WHETHER USG REALLY THOUGHT ECOSOC COMMITTEE OF EXPERTS COULD PRODUCE A DRAFT CONVENTION WITHIN THE TIME ENVISIONED. HE ASKED ABOUT THE VIEWS OF OTHER ADVANCED COUNTRIES ANN THE GROUP OF 77, AND WENT ON TO REITERATE THREE-FOLD JAPANESE CONCERN:

A) THE ISSUE OF EXTRA-TERRITORIALITY, I.E., WHETHER AND HOW NATIONAL LAWS COULD APPLY ABROAD:
B) HOW TO COORDINATE THE CONTENTS OF AN EVENTUAL DRAFT CONVENTION AND EXISTING PROVISIONS IN JAPANESE NATIONAL LEGISLATION. HE EXPLAINED THAT TREATIES BUREAU IN FOREIGN OFFICE TRADITIONALLY HAD TO SORT OUT THESE QUESTIONS BEFORE ENTERING INTO INTERNATIONAL NEGOTIATIONS: AND C) THE HIGHLY POLITICAL CHARACTER OF ECOSOC, TO WHICH TANABE ADDED THAT ONCE JAPAN CO-SPONSORS THE RESOLUTION, IT LOSES ITS FLEXIBILITY.

6. TANABE RECAPITULATED THAT UN BUREAU'S CONCERN WAS BOTH BUREAUCRATIC AND POLITICAL. IF THE MAJOR DEVELOPED COUNTRIES COULD FIND A COMMON POSITION, THEN THE UN BUREAU IN THE FOREIGN OFFICE COULD PREVAIL LIMITED OFFICIAL USE

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BUREAUCRATICALLY OVER THE MORE CONSERVATIVE TREATIES BUREAU.

7. OKAWA ASKED WHETHER THE USG ACTUALLY HAS PREPARED A DRAFT CONVENTION BEYOND THE U.S. PAPER TABLED IN LIMA IN MAY, TO WHICH WE RESPONDED THAT OUTLINE CONTAINED IN STATE 104346 WAS THE LAST INFORMATION WE HAD.

8. OKAWA SAID THAT HE CERTAINLY GOES ALONG WITH THE IDEA THAT SOMETHING MUST BE DONE ABOUT ILLICIT PAYMENTS AND CORRUPT PRACTICES. ONE ONLY HAD TO LOOK AT WHAT IS HAPPENING IN JAPAN NOW, HE SAID. HOWEVER, THE JAPANESE BUREAUCRACY HAS ALWAYS BEEN VERY CAUTIOUS IN PROCEEDING AND DOES NOT WANT TO JUMP FORWARD TOO FAST ON THIS ONE (NEGATIVE) ASPECT OF THE TNC PROBLEM. THERE ARE A NUMBER OF JAPANESE COMPANIES OPERATING ABROAD, AND THE GOJ WISHES TO TAKE A CAREFUL LOOK AT ALL POSSIBILITIES, INCLUDING ONE MULTILATERAL TREATY OR ALTERNATIVELY A SERIES OF BILATERAL TREATIES, RATHER THAN ASSUME AT THE OUTSET THAT ONE MULTILATERAL CONVENTION IS THE ANSWER.

9. TANABE ASKED WHY THE U.S. ATTACHES SO MUCH IMPORTANCE TO GETTING SO MANY CO-SPONSORS FOR ITS RESOLUTION, AND OKAWA ASKED WHETHER THE PROBLEM PRESENTED TO US BY THE GERMAN AMENDMENTS COULD NOT BE CONTAINED OR ACCOMMODATED BY CAREFUL WORDING, INCLUDING CLEAR TIME LIMITS FOR IN-DEPTH STUDY. OKAWA REPEATED THAT JAPANESE HAVE MISGIVINGS ABOUT PLUNGING HEADLONG INTO DRAFTING A CONVENTION. HOWEVER, HE ADDED, IF THE UK, FRANCE, GERMANY, AND OTHER MAJOR DEVELOPED COUNTRIES SHOULD CO-SPONSOR THE U.S. RESOLUTION, THIS COULD CAUSE JAPAN TO DO SO. NEVERTHELESS, HE WENT ON TO ASK WHETHER WE SAW THE POSSIBILITY OF SUCH A CONVENTION AS WE ENVISAGED GAINING THE ADHERENCE OF A LARGE NUMBER OF DEVELOPING COUNTRIES. THUS, HE SAID, THE GOJ MAINTAINS SUBSTANTIAL MISGIVINGS GOING BEYOND THE ABSENCE OF MAJOR DEVELOPED COUNTRY CO-SPONSORSHIP OF THE U.S. PROPOSED RESOLUTION.

10. COMMENT: WE DO NOT BELIEVE WE HAVE MADE MUCH, LIMITED OFFICIAL USE

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IF ANY, DENT IN THE JAPANESE POSITION AS REPORTED REF C AND PREVIOUSLY. HOWEVER, WE DEPLOYED ALL THE ARGUMENTATION CONTAINED IN REFS A AND B, WITH OKAWA TAKING CAREFUL NOTE OF PRESENT ROSTER OF CO-SPONSORS AND SUPPORTERS AND POTENTIAL CO-SPONSORS, AND SAYING OUR 45-MINUTE CONVERSATION HAD BEEN USEFUL TO HIM. IF IN THE THREE DAYS REMAINING IN THIS WEEK, THE DEPARTMENT CAN INFORM US OF ADDITIONAL CO-SPONSORS, ESPECIALLY UK OR FRG, WE WILL RETURN TO THE CHARGE. AS THINGS STAND NOW, WE ARE DOUBTFUL OF GOJ CO-SPONSORSHIP. HODGSON

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